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scribing a penalty for wrongful failure to deliver a telegram, being highly penal, cannot be extended by implication to cases not strictly within its terms.

[Ed. Note.—For other cases, see *Telegraphs and Telephones*, Cent. Dig. §§ 79-81; Dec. Dig. § 78.* 13 Va.-W. Va. Enc. Dig. 186; 14 Va.-W. Va. Enc. Dig. 1019.]

Error to Circuit Court, Northampton County.

Action by Walker Bros. against the Western Union Telegraph Company, for a statutory penalty. Judgment for plaintiffs, and defendant brings error. Reversed.

Hughes, Little & Seawell, of Norfolk, for plaintiff in error.
John E. Nottingham, Jr., of Franktown, for defendants in error.

DICKINSON *v.* BOWLES et al.

March 12, 1914.

[81 S. E. 75.]

1. Taxation (§ 773*)—Tax Deed.—The recitals in a tax deed are prima facie correct, and are to be accepted as true, in the absence of evidence to the contrary.

[Ed. Note.—For other cases, see *Taxation*, Cent. Dig. § 1541, Dec. Dig. § 773.* 13 Va.-W. Va. Enc. Dig. 173; 14 Va.-W. Va. Enc. Dig. 1017; 15 Va.-W. Va. Enc. Dig. 995.]

2. Taxation (§ 805*)—Tax Deed—Suit to Annul—Limitations.—A suit to annul a tax deed was barred by Code 1904, § 661, providing that no suit shall be brought to set aside a tax deed, except for fraud, unless within two years, where it was not brought within two years after admission of the deed to record, and there was no allegation or proof of fraud.

[Ed. Note.—For other cases, see *Taxation*, Cent. Dig. §§ 1593-1597; Dec. Dig. § 805.* 9 Va.-W. Va. Enc. Dig. 378; 15 Va.-W. Va. Enc. Dig. 618.]

Appeal from Circuit Court, Chesterfield County.

Bill by one Dickinson, trustee, against J. R. Bowles and others, to annul a deed as constituting a cloud on title. Decree for defendants, and the trustee appeals. Affirmed.

A. B. Dickinson, of Richmond, for appellant.
John B. Gayle, of Richmond, for appellees.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.